

E-Filed 12/3/10

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALFONSO MIRA, et al.,

No. C 10-3394 RS

Plaintiffs,

ORDER OF DISMISSAL

v.

GMAC MORTGAGE, et al.,

Defendants.

On October 13, 2010, this Court dismissed plaintiffs' Complaint in its entirety for failure to plead a claim for relief. Save for plaintiffs' sixth claim, the Miras were afforded leave to amend. In the interest of managing its civil docket, the Court imposed a filing deadline of thirty days. The Miras were warned that failure to file an amended complaint in a timely fashion would result in dismissal with prejudice on the merits (consistent with the analysis set forth in the October 13 Order), and dismissal on the additional ground of failure to prosecute. The Order explained that the Court would also be obligated to grant defendant's motion to expunge plaintiffs' lis pendens in the event it dismissed plaintiffs' real property claims with prejudice.

The filing deadline has passed, and yet the Miras have neither filed an amended complaint nor any documents that might suggest some intent to participate in this litigation. Accordingly, the

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ORDER

1 Mira's claims shall be dismissed with prejudice and defendant's motion to expunge the lis pendens
2 shall be granted. All hearing dates are vacated.

3 IT IS SO ORDERED.

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5 Dated: 12/3/2010



6 RICHARD SEEBORG
7 UNITED STATES DISTRICT JUDGE
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